

Message Text

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TO AMEMBASSY OTTAWA

INFO AMCONSUL WINNIPEG

UNCLAS STATE 158768

E.O. 11652: N/A

TAGS: SENV, CA

SUBJECT:GARRISON DIVERSION UNIT

1. FOLLOWING NOTE AND US PROPOSAL FOR A DRAFT REFERENCE TO THE IJC ON THE GARRISON DIVERSION UNIT WILL BE DELIVERED TO THE CANADIAN EMBASSY ON JULY 3.

2. BEGIN TEXT OF NOTE: "THE DEPARTMENT OF STATE REFERS TO THE PROPOSED DRAFT REFERENCE TO THE INTERNATIONAL JOINT COMMISSION ON THE INTERNATIONAL ASPECTS OF THE GARRISON DIVERSION UNIT FORWARDED TO THE DEPARTMENT OF STATE BY THE EMBASSY OF CANADA UNDER COVER OF A LETTER DATED APRIL 23, 1975, AND FORWARDS THE CONSIDERATION OF THE GOVERNMENT OF CANADA THE ENCLOSED AMENDED DRAFT OF A PROPOSED REFERENCE. IN THE VIEW OF THE UNITED STATES UNCLASSIFIED

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GOVERNMENT, THE MORE DETAILED APPROACH EXPRESSED WITHIN THE UNITED STATES' DRAFT IS CALLED FOR IN VIEW OF THE COMPLEX SITUATION WHICH RESULTS FROM THE WIDE RANGE OF NATURAL CONDITIONS EXISTING IN THE TRANSBOUNDARY STREAMS IN

QUESTION.

"IN VIEW OF THE IMPORTANCE OF THIS MATTER, AND OF THE DESIRE SHARED BY BOTH GOVERNMENTS FOR AN EARLY RESPONSE FROM THE COMMISSION, THE GOVERNMENT OF THE UNITED STATES IS

AMENABLE TO AN EARLY MEETING OF OFFICIALS OF BOTH COUNTRIES TO ATTEMPT TO REACH MUTUALLY ACCEPTABLE TERMS OF REFERENCE." END TEXT OF NOTE.

3. BEGIN TEXT OF DRAFT REFERENCE: "I HAVE THE HONOR TO INFORM YOU THAT THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND CANADA, PURSUANT TO ARTICLE IX OF THE BOUNDARY WATERS TREATY OF 1909, HAVE AGREED TO REQUEST THE INTERNATIONAL JOINT COMMISSION TO CONDUCT AN INQUIRY INTO THE POTENTIAL IMPACTS OF THE PROPOSED GARRISON DIVERSION UNIT IN THE STATE OF NORTH DAKOTA UPON STREAMS FLOWING INTO CANADA.

"BEARING IN MIND THE COMMON INTEREST OF CANADA AND THE UNITED STATES IN THE MAXIMUM UTILIZATION OF SHARED RESOURCES, AND THEIR RIGHT TO DEVELOP AND MAKE REASONABLE USE OF THEIR NATURAL RESOURCES IN ACCORDANCE WITH THEIR OWN ENVIRONMENTAL POLICIES CONSISTENT WITH THE RIGHT OF BOTH STATES TO SHARE EQUITABLY IN THE BENEFICIAL USE OF SUCH STREAMS AND THEIR MUTUAL OBLIGATIONS UNDER ARTICLE IV OF THE TREATY AND INTERNATIONAL LAW, THE TWO GOVERNMENTS REQUEST THE COMMISSION TO EXAMINE INTO AND REPORT UPON THE FOLLOWING QUESTIONS:

(1) PRESENT STATE OF WATER QUALITY IN THOSE WATERS OF THE SOURIS AND RED RIVERS AND THEIR TRIBUTARIES WHICH MAY BE AFFECTED BY THE COMPLETION OF THE GARRISON DIVERSION UNIT?

(2) WHAT USES OF SUCH WATERS ARE PRESENTLY MADE OR MAY REASONABLY BE ANTICIPATED IN THE FUTURE IN THE UNITED STATES
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AND IN CANADA?

(3) WHAT IS THE EFFECT OF PRESENT WATER QUALITY ON THE USES IDENTIFIED IN QUESTION 2?

(4) TO WHAT EXTENT AND FROM WHAT SOURCES ARE SUCH WATERS PRESENTLY DEGRADED? IN PARTICULAR, THE COMMISSION IS REQUESTED TO INVESTIGATE AND REPORT UPON THE FOLLOWING:

(A) TOTAL DISSOLVED SOLIDS,

(B) SULFATE, SODIUM, CHLORIDE, MAGNESIUM, CALCIUM, AND COMPOUNDS THEREOF,

(C) BICARBONATES,

(D) NUTRIENTS, INCLUDING NITROGEN, PHOSPHORUS, AND THEIR COMPOUNDS,

(E) PESTICIDES AND HERBICIDES,

(F) DISSOLVED OXYGEN, TEMPERATURE, SEDIMENT, AND RELATED PARAMETERS AFFECTING AQUATIC LIFE,

(G) TRACE ELEMENTS INCLUDING BORON, SILENIUM, LEAD, AND OTHER HEAVY METALS.

(5) WHAT ARE THE NATURE, EXTENT AND LOCATION OF IMPACTS ON THE QUALITY AND QUANTITY OF THESE WATERS WHICH MAY BE ANTICIPATED AS A RESULT OF THE OPERATION OF THE GARRISON DIVERSION UNIT "AS PRESENTLY ENVISAGED," AND ALL RELATED WATER USE ACTIVITIES? THE COMMISSION IS REQUESTED TO CONSIDER SUCH IMPACTS WITH PARTICULAR REFERENCE TO THE FACTORS IDENTIFIED IN QUESTION 4.

(6) WHAT WILL BE THE NATURE, EXTENT AND ECONOMIC COSTS OF THE EFFECTS OF SUCH IMPACTS RESULTING FROM THE COMPLETION OF THE GARRISON DIVERSION UNIT ON THE USES IDENTIFIED IN QUESTION 2?

(7) IN LIGHT OF THE COMMISSION'S ANSWER TO QUESTION 3 AND UNCLASSIFIED

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TO THE PRECEDING QUESTION, WHAT MEASURES COULD BE TAKEN TO AVOID OR RELIEVE ADVERSE EFFECTS ON USES IN CANADA? WHAT WOULD BE THE APPROXIMATE COSTS OF SUCH MEASURES? IN WHAT MANNER MIGHT SUCH COSTS BE BORNE BETWEEN GOVERNMENTS?

"BOTH THE UNITED STATES AND CANADA ASCRIBE PARTICULAR IMPORTANCE TO THE VIEWS OF THE COMMISSION ON THIS MATTER, AND ACCORDINGLY REQUEST THAT THE COMMISSION PRESENT ITS REPORT IN CONNECTION WITH THIS REFERENCE BEFORE OCTOBER 31, 1976.

"IN THE CONDUCT OF ITS INVESTIGATION AND OTHERWISE IN THE PERFORMANCE OF ITS DUTIES UNDER THE REFERENCE, THE INTERNATIONAL JOINT COMMISSION SHOULD MAKE USE OF INFORMATION AND TECHNICAL DATA HERETOFORE AVAILABLE, INCLUDING EXISTING STUDIES UNDERTAKEN BY BOTH SIDES AND BY THE COMMISSION, OR WHICH MAY BECOME AVAILABLE DURING THE COURSE OF THE INVESTIGATION. IN ADDITION, THE COMMISSION SHOULD SEEK THE ASSISTANCE, AS REQUIRED, OF SPECIALLY QUALIFIED PERSONNEL FROM BOTH COUNTRIES. THE GOVERNMENTS OF CANADA AND THE UNITED STATES, SUBJECT TO THE AVAILABILITY OF APPROPRIATED FUNDS, HAVE AGREED THAT SUFFICIENT FUNDS WILL BE MADE

AVAILABLE TO THE INTERNATIONAL JOINT COMMISSION OR TO THE
AGENCIES ASSISTING THE COMMISSION SO THAT THE INQUIRY MAY
BE COMPLETED AS EXPEDITIOUSLY AS POSSIBLE." END DRAFT
REFERENCE. SISCO

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